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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

In the Matter of

Guidelines for Evaluating the
Environmental Effects of
Radiofrequency Radiation

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ET Docket No. 93-62

COMMENTS ON PETITIONS FOR RECONSIDERATION

AT&T Wireless Services, Inc. ("AT&T"), by its attorneys and pursuant to Section 1.429 of the Commission's rules, hereby comments on the petitions for reconsideration of the First Memorandum Opinion and Order filed by various parties in the above-captioned proceeding.^{1/} Specifically, AT&T supports the petitions filed by Ameritech Mobile Communications, Inc. ("Ameritech") and Northeast Louisiana Telephone Company, Inc. ("Northeast"), which seek extension of the deadline for compliance with the Commission's new radiofrequency ("RF") rules,^{2/} and opposes the petitions filed by the Ad-hoc Association of Parties Concerned About the Federal Communications Commission's

^{1/} Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation, ET Docket No. 93-62, First Memorandum Opinion and Order, FCC 96-487 (released Dec. 24, 1996) ("Extension Order").

^{2/} Petition for Partial Reconsideration of Ameritech Mobile Communications, Inc. (filed Jan. 23, 1997); Petition for Partial Reconsideration of Northeast Louisiana Telephone Company, Inc. (filed Jan. 23, 1997).

Radiofrequency Health and Safety Rules ("Ad-hoc Association") and the Cellular Phone Taskforce ("Taskforce").^{3/}

When the Commission initially specified January 1, 1997 as the date for compliance with the new RF rules, it recognized that it might be difficult for some entities to meet this deadline. Rather than contend with an unwieldy waiver process, the Commission appropriately decided to extend the RF emission compliance deadline to September 1, 1997. At the time it released its Extension Order, the Commission apparently expected imminent release of its updated OET Bulletin 65, which is essential to carriers attempting to evaluate compliance with the rules. In this regard, the Commission stated that an extension was warranted in part because it would "allow applicants to review the revised Bulletin 65 and to make the necessary measurements or calculations to determine that they are in compliance."^{4/} At this point, more than a third of the eight-month extension has expired without release of Bulletin 65 and carriers again are in the position of attempting to proceed without adequate guidance.

In addition, a number of carriers, including AT&T, raised various questions in petitions for reconsideration of the Commission's initial Report and Order in this proceeding.^{5/} Resolution of at least some of these issues is necessary before wireless

^{3/} Petition for Reconsideration of Ad-hoc Association of Parties Concerned About the Federal Communications Commission's Radiofrequency Health and Safety Rules (filed Feb. 21, 1997) ("Ad-hoc Association Petition"); Petition for Reconsideration of Cellular Phone Taskforce (filed Feb. 19, 1997).

^{4/} Extension Order at ¶ 7.

^{5/} Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation, ET Docket No. 93-62, Report and Order, FCC 96-326 (released Aug. 1, 1996) ("RF Order").

providers can sufficiently comply with the new regulations. For example, it is unclear what constitutes a "site" for purposes of the multiple facility rule. In urban areas, it is likely that numerous antennas will be placed on adjacent rooftops, other parts of buildings, or other structures, and the Commission has not stated whether each structure constitutes a different site or how measurements should be performed when separate clusters of antennas are located on one rooftop.^{6/} In addition, the Commission has not responded to AT&T's request to raise the one percent threshold for total site compliance responsibility to at least ten percent and to designate a fixed distance at which the threshold should be measured. AT&T explained that, although on an individual basis a particular facility may be far below the applicable MPE when measured from any accessible area, virtually all transmitters will fail even a ten percent test if evaluated arbitrarily close to the center of radiation.^{7/} Receiving clarification on these and other issues is necessary before carriers can be expected to comply properly with the new RF regulations.

For these reasons, the Commission should adopt the proposals of Northeast and Ameritech to extend the compliance deadline to one year after release of OET Bulletin 65. Nothing in the petitions of the Ad-hoc Association or the Taskforce compels a different conclusion. For the most part, these parties simply repeat complaints they made in other, still-pending petitions for reconsideration of the RF Order about the Commission's failure to adopt more onerous RF emission guidelines. Because the Ad-hoc Association and the

^{6/} Petition for Partial Reconsideration of AT&T Wireless Services, Inc. at 6 (filed Sept. 6, 1996) ("AT&T Petition").

^{7/} Id.

Taskforce were unable to demonstrate that the Commission's existing RF guidelines are insufficient to protect the public and workers, there is no evidence to support their new claims that delaying the transition date would be harmful. The Commission has stated that granting an extension of the transition period would not have significant adverse effects on public health.^{8/2}

Moreover, the Ad-hoc Association is wrong in stating that the need to evaluate thousands of sites does not make the original implementation date infeasible.^{9/} Until now, cellular carriers have been categorically excluded from demonstrating compliance with RF exposure standards. Under the new rules, cellular carriers must institute compliance evaluation processes and train their technicians in MPE analysis and measurement procedures. This is not a task they have performed on a routine basis, as the Ad-hoc Association apparently believes. In addition, the Ad-hoc Association ignores that the categorical exclusion also exempted wireless carriers from responsibility for total site compliance where transmitters are operated by multiple carriers. Thus, the Ad-hoc Association's simplistic description of the measurement process has no basis in reality.^{10/}

^{8/} Extension Order at ¶ 8.

^{9/} Ad-hoc Association Petition at 18.

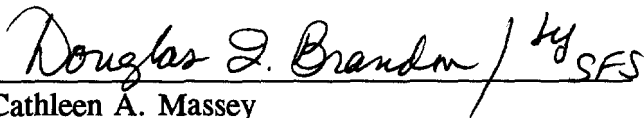
^{10/} Id. Similarly, it is unclear where the Ad-hoc Association obtained its information that the industry has established "a database where the location of each transmitter is identified." Id. at 20. AT&T is unaware of any such database. As AT&T noted in its Petition for Reconsideration, without a central database, identifying the licensees of near-by transmitters or their operating power and frequency may be very difficult. AT&T Petition at 6.

CONCLUSION

For the foregoing reasons, the Commission should grant the petitions of Northeast and Ameritech and deny the petitions of the Ad-hoc Association and the Taskforce.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Cheryl S. Flood, hereby certify that on this 2nd day of April, 1997, I caused the foregoing, "COMMENTS ON PETITIONS FOR RECONSIDERATION," to be sent by first class mail, postage prepaid, or by messenger where indicated by an asterisk, to the following:

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